



# Managing Contact with Lobbyists Policy and Procedure

V1.1 | September 2023

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# PART 1 - POLICY

## 1. Purpose

This policy (Part 1) and the related procedures (Part 2) outlines:

- the QBCC's position on ethical lobbying and officer contact with Lobbyists as set out in the *Integrity Act 2009 (Integrity Act)*<sup>1</sup>
- the procedure to be followed in the event lobbying activity is carried out with employees.

## 2. Scope

The scope of this policy and procedure is restricted to activity which falls within the definitions of 'lobbying,' 'lobbying activity,' 'lobbyist' and 'lobbyist entity' as defined by sections 41 and 42 of the Integrity Act in relation to lobbying activity aimed at influencing the QBCC's decision making in respect of its official functions and activities.

This policy and the related procedures and guidelines apply to:

- the Commissioner/Chief Executive Officer (Commissioner), Statutory Office Holders, Senior Executive Service (SES) or equivalent officer and employees of the Queensland Building and Construction Employing Office (QBCEO) who undertake work for the Queensland Building and Construction Commission (QBCC)
- individuals who are engaged as contractors to the QBCC to the extent that any lobbyist contact, or lobbying activity relates to the QBCC's functions or activities.
- members of the Queensland Building and Construction (QBC) Board (Board) and Board Committees including the Industry Advisory Committee (IAC) to the extent that any lobbyist contact, or lobbying activity relates to the QBCC's functions or activities.
- Members of the Service Trades Council (STC) and its panels, the Service Trades Licensing Advisory Panel (STLAP) to the extent that any lobbyist contact, or lobbying activity relates to the QBCC's functions or activities.

All of the above individuals are collectively referred to as 'QBCC officers' in this policy.

## 3. Authority

This policy and procedure address relevant requirements of the Integrity Act and the *Public Records Act 2002 (PR Act)*.

This policy and procedure are compatible with the human rights protected by the *Human Rights Act 2019 (HR Act)* and any limitation on a QBCC officer's human rights is reasonable and justifiable because of the broader public interest in ensuring that public officers conduct themselves in an accountable and transparent manner.

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<sup>1</sup> Lobbying is in essence, contact with a government representative in an effort to influence State or local government decision-making.

## **4. Policy statement and principles**

### **4.1 Policy statement**

Ethical lobbying is a legitimate activity, and an important part of the democratic process. It assists individuals and organisations to communicate their views on matters of public interest to the government and Opposition, and in doing so to improve outcomes for the individual and the community as a whole.

This policy supports the Integrity Act by ensuring that contact between QBCC officers, Lobbyists, and government and Opposition representatives is conducted in accordance with public expectations of transparency and integrity, and in the public interest.

### **4.2 Principles**

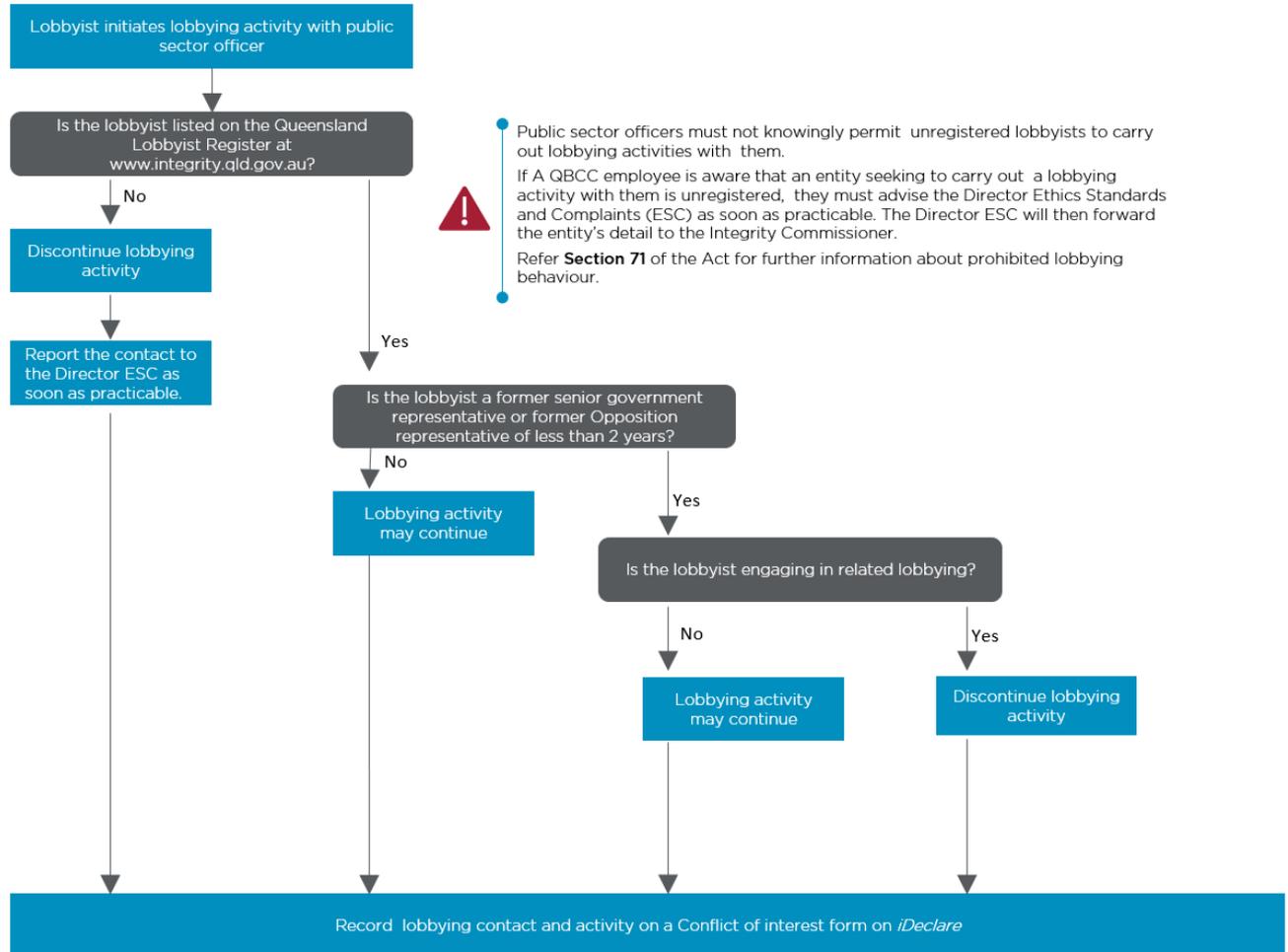
This policy supports the Code of Conduct for the Queensland Public Service (Code of Conduct) and specific legislative obligations imposed upon QBCC officers in addressing the ethics principles of integrity and impartiality; commitment to the system of government; and accountability and transparency.

This policy also aligns with the QBCC's: vision for a thriving and resilient building and construction industry inspiring confidence, and supporting sustainable social, environmental, and economic outcomes for Queenslanders'; and purpose of delivering excellence in regulatory services to reduce risk and offer protection from harm.

# PART 2 - PROCEDURE

## 5. Process summary

An overview of the process to follow is providing in the below diagram



## 6. Procedure requirements

### 6.1 All QBCC officers

- Understand the rules that apply to lobbying, including:
  - any newly appointed employee who was employed as a lobbyist in the previous two years is required to provide a disclosure to the Commissioner within one month of commencement.
  - QBCC officers may permit registered Lobbyists to carry out lobbying activities, so long as the activity is recorded in accordance with this policy.
  - QBCC officers may permit entities who are not Lobbyists (as defined by this policy and as set out in section 41 of the *Integrity Act 2009*) to carry out lobbying activity with them only for the purpose of representing the entity's own interest.
  - it is an offence for an unregistered Lobbyist to carry out lobbying activity, and unlawful for QBCC officers to knowingly permit unregistered Lobbyists to carry out lobbying activity with them.
  - it is unlawful for a former senior government representative or former Opposition representative to carry out related lobbying for a third-party client in certain circumstances as set out in the Integrity Act.
  - a request by a registered Lobbyist to meet with a QBCC officer must be made in writing. This includes requests by any person working for the Lobbyist in any capacity other than administration staff.
  - relevant records relating to the contact must be kept locally, in accordance with the Public Records Act 2002.
- If contacted by a Lobbyist, its employees, or contractors, firstly determine whether the entity, its employers or contractors are registered on the [Register of lobbying contacts](#) maintained by the Queensland Integrity Commissioner in order to ensure that they do not engage in a lobbying activity with an unregistered Lobbyist.
- Immediately discontinue contact with:
  - a Lobbyist who is not listed on the Register
  - a former senior government or Opposition representative carrying out related lobbying for a third-party client.
- Declare any lobbying activities they are involved in during the course of their duties with the QBCC using the [iDeclare](#) Lobbyist Activity form.
- Disclose any relationship with a Lobbyist in accordance with and take reasonable steps to avoid any conflict of interest between official duties and personal interests.

### 6.2. Senior Leadership Team (SLT)

- Ensure that all officers within their division are aware of the requirements of this policy and procedure, and that compliance is mandatory.

### 6.3 Director Governance, Risk and Ethics

- Report any suspected lobbying activity by an unregistered lobbyist to the Queensland Integrity Commissioner as soon as practicable.
- Give the Integrity Commissioner any information they reasonably believe may be relevant to the Integrity Commissioner's functions or powers under the Integrity Act.

## 6.4 Ethics, Standards and Complaints (ESC) Branch

- Maintain the QBCC's contact with lobbyists' register in iDeclare.
- Provide a central contact point for queries about lobbying activities.
- Provide a report to the SLT every six months detailing contact between registered lobbyists and employees.
- To provide this policy to the Board, Industry Advisory Committee and STC and STLAP
- To provide training on this policy and an acknowledgement from IAC and STC that this has occurred.

## 7. References and other resources

### 7.1. Legislation and policy

Any references in this policy legislation, directives, policies, or guidelines include a reference to that legislation or policy as amended or replaced from time to time.

#### Legislation

[Integrity Act 2009](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

[Public Sector Act 2022](#)

[Queensland Building and Construction Act 1991](#)

[Right to Information Act 2019](#)

#### Codes, Directives and Policy Instruments

[Code of Conduct for the Queensland Public Service](#)

### 7.2 Further information and resources

[Lobbyists Code of Conduct](#)

[Queensland Register of Lobbyists](#)

[Queensland Integrity Commissioner website](#)

[Lobbying common questions and answers – Integrity Commissioner factsheet 2021](#)

[Public records brief – Recording contact between government and lobbyists – Queensland Government, Queensland State Archives 2012](#)

[Corruption prevention advisory – Lobbying – Queensland Crime and Corruption Commission 2021](#)

## 8. Definitions

TERM	DEFINITION
Commissioner/ Executive Officer	The person appointed as Commissioner, Queensland Building and Construction Commission under Section 20D of the QBCC Act and as the Executive Officer, Queensland Building Commission Employing Office under s29D of the QBCC Act.

<b>TERM</b>	<b>DEFINITION</b>
Conflict of interest	In the context of this procedure, a conflict of interest is an actual, perceived, or potential conflict between a public official's personal interests and their official responsibilities.
Contact	Telephone contact, email contact, written mail, face-to-face meetings, social media and contact through other online channels.
Employee, QBCC employee	Employees of the Queensland Building Commission Employing Office who undertake work for the QBCC.
Former Opposition representative	As set out in Section 44B of the Integrity Act, a person is a former Opposition representative if the person was: <ul style="list-style-type: none"> <li>a) the Leader of the Opposition</li> <li>b) the Deputy Leader of the Opposition</li> <li>c) a staff member in the office of the Leader of the Opposition and is no longer an Opposition representative and is not a government representative.</li> </ul>
Former senior government representative	As set out in Section 45 of the Integrity Act, a person is a former senior government representative if the person was: <ul style="list-style-type: none"> <li>a) the Premier or another Minister</li> <li>b) an Assistant Minister</li> <li>c) a councillor</li> <li>d) a public sector officers</li> <li>e) a chief executive</li> <li>f) senior executive or senior executive equivalent</li> <li>g) a ministerial staff member</li> <li>h) an assistant minister staff member</li> </ul> <p>and is no longer a government representative and is not an Opposition representative.</p>
Government representative	As set out in Section 44 of the Integrity Act, each of the following people is a government representative: <ul style="list-style-type: none"> <li>a) the Premier or another Minister</li> <li>b) an Assistant Minister</li> <li>c) a councillor</li> <li>d) a public sector officer (refer definition below)</li> <li>e) a ministerial staff member</li> <li>f) an assistant minister staff member.</li> </ul>
Lobbying	For the purposes of the Integrity Act, 'lobbying' means any attempt to influence the decision-making of a government or Opposition representative in the exercise of their official functions on behalf of a third party, for a fee or other reward which is agreed before the Lobbyist provides the services. <p>For the purposes of this policy, 'lobbying' refers to any attempt to influence the decision-making of the QBCC or a representative of the QBCC in the exercise of their official functions on behalf of a third party, for a fee or other reward which is agreed before the Lobbyist provides the services.</p> <p>Under the Integrity Act, Lobbyists who act on behalf of a third-party clients must register with the Integrity Commissioner before they contact a state or local government representative for the purpose of lobbying activities<sup>2</sup>.</p>
Lobbying activity	As set out in Section 42 of the Integrity Act, lobbying activity is— <ul style="list-style-type: none"> <li>a) contact with a government representative in an effort to influence State or local government decision-making, including— <ul style="list-style-type: none"> <li>i. the making or amendment of legislation; and</li> </ul> </li> </ul>

<sup>2</sup> Queensland Integrity Commissioner 'What is lobbying?' [www.integrity.qld.gov.au/lobbyists.aspx](http://www.integrity.qld.gov.au/lobbyists.aspx)

TERM	DEFINITION
	<ul style="list-style-type: none"> <li>ii. the development or amendment of a government policy or program; and</li> <li>iii. the awarding of a government contract or grant; and</li> <li>iv. the allocation of funding; and</li> <li>v. the making of a decision about planning or giving of a development approval under the <i>Planning Act 2016</i>; or</li> </ul> <p>b) contact with an Opposition representative in an effort to influence the Opposition’s decision-making, including—</p> <ul style="list-style-type: none"> <li>i. the making or amendment of legislation; and</li> <li>ii. the development or amendment of a policy or program of the Opposition; and</li> <li>iii. the Opposition’s position or view in relation to State or local government decision-making, including, for example, the matters mentioned in paragraph (a)(i) to (v).</li> </ul> <p>However, the following contact is not a lobbying activity—</p> <ul style="list-style-type: none"> <li>a) contact with a committee of the Legislative Assembly or a local government</li> <li>b) contact with a member of the Legislative Assembly, or a councillor, in his or her capacity as a local representative on a constituency matter</li> <li>c) contact in response to a call for submissions</li> <li>d) petitions or contact of a grassroots campaign nature in an attempt to influence a government policy or decision</li> <li>e) contact in response to a request for tender</li> <li>f) statements made in a public forum</li> <li>g) responses to requests by government representatives or Opposition representatives for information</li> <li>h) incidental meetings beyond the control of a government representative or Opposition representative</li> <li>i) contact on non-business issues, including, for example, issues not relating to a third-party client of the Lobbyist or the Lobbyists’ sector</li> <li>j) contact only for the purpose of making a statutory application.</li> </ul>
Lobbyist, Lobbyist entity	<p>As set out in Section 41 of the Integrity Act, a Lobbyist is an entity that conducts a lobbying activity for a third-party client or whose employees or contractors carry out a lobbying activity for a third-party client, for a fee which is agreed before the Lobbyists provides the service.</p> <p>However, none of the following entities is a Lobbyist:</p> <ul style="list-style-type: none"> <li>a) a non-profit entity</li> <li>b) an entity constituted to represent the interests of its members</li> <li>c) members of trade delegations visiting Queensland</li> <li>d) an entity carrying out incidental lobbying activities</li> <li>e) an entity carrying out a lobbying activity only for the purpose of representing the entity’s own interests.</li> </ul> <p>In addition,</p> <ul style="list-style-type: none"> <li>• employees or contractors of entities mentioned in a) to d) above are not Lobbyists in relation to contact carried out for the entity; and</li> <li>• employees of entities mentioned in e) above are not Lobbyists.</li> </ul>
Otherwise engaged person	Volunteers, students, contractors, consultants, labour hire workers or anyone who works in any capacity for the QBCC other than an employee.
QBCC Board	The Queensland Building and Construction Board which is established under s10 of the QBCC Act and is the governing body for the QBCC.
QBCC officer, officer	For the purposes of this policy, ‘QBCC officer’ is defined as outlined in Section 2 of this policy.
Registered Lobbyist	A person or entity which is carrying out lobbying activity for a third-party client and appears on the Register.

<b>TERM</b>	<b>DEFINITION</b>
Related lobbying	A lobbying activity carried out by former senior government representatives or former Opposition representatives <ul style="list-style-type: none"> <li>• relating to their official dealings as a government or Opposition representative</li> <li>• in the two years before becoming a former senior government or former Opposition representative.</li> </ul>
STC	The Service Trades Council, which is a part of the QBCC under s6(c) of the QBCC Act as continued by s105 of the <i>Plumbing and Drainage Act 2018</i> (Qld).
Third party client	An entity that engages another entity to provide services constituting, or including, a lobbying activity for a fee or other reward that is agreed to before the other entity provides the services.
Unregistered Lobbyist	A person or entity that is carrying out lobbying activity for a third-party client but does not appear on the Register.

## 9. Contact

Ethics Standards and Complaints Branch: [integrity@qbcc.qld.gov.au](mailto:integrity@qbcc.qld.gov.au)

## 10. Superseded versions

<b>Version</b>	<b>Date</b>
Nil	

## 11. Approving authority

Approving Authority	Commissioner
Date	28 September 2023
Version	V1.1
Review Date	September 2025
Related Documents – forms and procedures	<ol style="list-style-type: none"> <li>1. QBCC Managing contacts with lobbyists Process and key definitions factsheet</li> <li>2. QBCC Conflict of Interest policy</li> <li>3. QBCC online Lobbyist Activity form (iDeclare).</li> </ol>